



00862.022114

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Jeremy R. Elder
TAKESHI KAWABE)
: Group Art Unit: 2612
Application No.: 09/781,255)
: Confirmation No.: 6963
Filed: February 13, 2001)
:
For: IMAGE SENSING)
: APPARATUS AND ITS)
: CONTROL METHOD, AND)
: COMPUTER READABLE)
: MEMORY) September 8, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

This is responsive to the Official Action, dated August 10, 2004, in which an Election of species requirement was made in the above-identified application. A response to the Official Action is due on or before September 10, 2004.

The Examiner has made a five-way election of species requirement alleging that there are five patentably distinct species of the claimed invention, i.e., Species I, Figs. 1 to 18; Species II, Figs. 19 to 22; Species III, Figs. 23 to 25; Species IV, Figures 26 to 28; and Species V, Figures 29 and 30. Independent Claims 18, 25 and 32 are identified in the Official Action as being generic.

Applicant respectfully traverses the Election of Species Requirement for the following reasons:

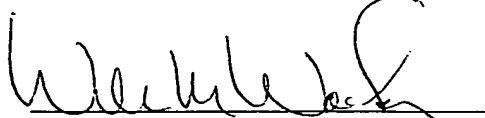
As disclosed in the specification the various species are closely related and should not require substantially different fields of search. Accordingly, neither the Applicant nor the Patent and Trademark Office should be put to the trouble and expense entailed in the filing and prosecution of multiple patent applications. Moreover, it is respectfully submitted that the public-at-large should not be required to obtain and study several separate patents in order to have available all of the claims covering all aspects of the invention.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects with traverse Species I, i.e, Figs. 1 to 18, and submits that at least, Claims 1 to 4, 6 to 12 and 14 to 17 as well as generic Claims 18, 25, and 32 are readable on Figs. 1 to 18.

Favorable consideration hereof and early passage to issue of the application are earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Wannisky', is written over a horizontal line.

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